

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

TAHVIO GRATTON,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC.,

Defendant.

Case No. 1:22-CV-3194-TOR

CIVIL MINUTES

DATE: 9/11/2024

LOCATION: Spokane 902

JURY TRIAL DAY THREE

<b>JUDGE THOMAS O. RICE</b>		
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Bridgette Fortenberry	LC 02	N/A	Crystal Gonzalez
<b>Courtroom Deputy</b>	<b>Law Clerk</b>	<b>Interpreter</b>	<b>Court Reporter</b>
Robin J Shishido Dustin L Collier Richard E Goldsworthy Drew F Teti <b>Plaintiff's Counsel</b>		Elizabeth A Falcone Florence Z Mao Michael D Mitchell  <b>Defense Counsel</b>	

☒ Open Court☐ US Probation Officer:**7:53 am All parties present in the courtroom w/ jury.**

The parties and counsel discussed today's witnesses and trial length.

**7:56 am Recess****8:00 am Reconvened with all parties and jury present.****8:00 am Erik Loomis sworn to testify.**

Direct examination by Mr. Collier.

Previously admitted exhibits discussed with the witness.

Mr. Collier moved for the admission of Plaintiff's Exhibit 95.

Objection by Ms. Falcone.

The Court gave the jury a limiting instruction.

Mr. Collier moved for the admission of Plaintiff's Exhibit 71.

Objection by Ms. Falcone.

Sustained. Exhibit not admitted at this time.

Cross-examination by Ms. Falcone.

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1:22-CV-3149-TOR

Civil Jury Trial

Defendant's Exhibit 599 discussed with witness.

Ms. Falcone moved for the admission of Defendant's Exhibit 599.

Exhibit 599 admitted without objection and published to the jury.

Defendant's Exhibit 600 discussed with witness.

Ms. Falcone moved for the admission of Defendant's Exhibit 600.

Exhibit 600 admitted over objection and published to the jury.

**9:43 am Jury excused from the courtroom.**

All parties present w/o jury.

The Court and parties discussed exhibit 71.

**9:45 am Recess**

**10:02 am Reconvened**

Mr. Loomis resumes the stand previously sworn to testify.

Re-direct by Mr. Collier.

Previously admitted exhibits discussed with witness.

Witness steps down and is excused.

**10:16 am Matthew Fromherz sworn to testify.**

Direct examination by Mr. Collier.

**10:58 am Recess**

**11:14 am Reconvened**

Matthew Fromherz resumed the stand previously sworn to testify.

Direct examination by Mr. Collier continues.

Plaintiff's Exhibit 15 discussed with witness.

Exhibit 15 offered but not admitted.

**11:25 am Jose Castillo sworn to testify.**

Direct examination by Mr. Collier.

Mr. Collier moved for the admission of Plaintiff's Exhibit 097.

Exhibit 097 admitted without objection and published to the jury.

Mr. Collier moved for the admission of Plaintiff's Exhibit 098.

Exhibit 098 admitted without objection and published to the jury.

Video clip unavailable, exhibit read into the record.

Previously admitted exhibits discussed with the witness.

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Civil Jury Trial

Cross-examination by Ms. Falcone.  
Previously admitted exhibits discussed with witness.  
Witness steps down and is excused.

**12:04 pm Recess**

**1:06 pm Reconvened**

**1:07 pm Linda Hernandez sworn to testify.**  
Direct examination by Mr. Collier.

Plaintiff's Exhibit 55 discussed with witness.  
Mr. Collier moved for the admission of Plaintiff's Exhibit 55.  
Exhibit 55 admitted without objection and published to the jury.

Previously admitted exhibits discussed with witness.

Cross-examination by Mr. Mitchell.  
Re-direct by Mr. Collier.  
Witness steps down and is excused.

**1:50 pm Isaac Briceno sworn to the testify.**

Direct examination by Mr. Collier.  
No cross-examination.  
Witness steps down and is excused.

**1:56 pm Plaintiff rested its case-in-chief.**

**1:57 pm Jury excused from the courtroom.**

Ms. Falcone made an oral motion for directed verdict re: punitive damages.  
Argument by counsel on the motion.  
The Court took the matter under advisement. Parties can file briefs tonight.

**2:07 pm Recess**

**2:24 pm Reconvened**

Defendant's Exhibit 713 (designated deposition testimony of Ryan Wiedenmeyer) played.

**3:02 pm Alecia Todd sworn to testify.**  
Direct examination by Mr. Falcone.

Previously admitted exhibits discussed with witness.

Defendant's Exhibit 500 discussed with witness.  
Ms. Falcone moved for the admission of Defendant's Exhibit 500.

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Civil Jury Trial

Exhibit 500 admitted without objection and published to the jury.

Defendant's Exhibit 520 discussed with witness.

Ms. Falcone moved for the admission of Defendant's Exhibit 520.

Exhibit 520 admitted without objection and published to the jury.

Defendant's Exhibit 524 discussed with witness.

Ms. Falcone moved for the admission of Defendant's Exhibit 524.

Mr. Collier objected to certain portions of the exhibit which Ms. Falcone agreed to redact.

Exhibit 524 (redacted) admitted without objection and published to the jury.

**3:28 pm Jury excused from the courtroom.**

All parties present w/o jury.

The Court and parties discussed witnesses and schedule.

**3:31 pm Recess**

**3:45 pm Reconvened**

Alecia Todd resumes the stand previously sworn to testify.

Cross-examination by Mr. Collier.

Previously admitted exhibits discussed with witness.

Exhibit 13 discussed with the witness.

Mr. Collier moved to admit Plaintiff's Exhibit 95 and 96.

Continued objection by Ms. Falcone.

Exhibits 95 and 96 excluded by the Court.

Witness steps down and is excused.

**4:11 pm Clifford Shively sworn to testify.**

Direct examination by Ms. Mao.

Running objection to witness testimony by Mr. Collier.

Overruled. Witness allowed to testify.

No cross-examination.

Witness steps down and is excused.

**4:16 pm Lashawn Butler sworn to testify.**

Direct examination by Ms. Falcone.

Previously admitted exhibits discussed with witness.

Defendant's Exhibit 577 discussed with witness.

Ms. Falcone moved for the admission of Defendant's Exhibit 577.

Exhibit 577 admitted without objection and published to the jury.

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Civil Jury Trial

Defendant's Exhibit 591 discussed with witness.

Ms. Falcone moved for the admission of Defendant's Exhibit 591.

Exhibit 591 admitted without objection and published to the jury.

Defendant's Exhibit 592 discussed with witness.

Ms. Falcone moved for the admission of Defendant's Exhibit 592.

Exhibit 592 admitted without objection and published to the jury.

**4:58 pm** Jury excused with the Court's admonition and instructions to return on **9/12/2024 at 8:00 a.m.** to resume trial.

The Court and parties discussed witnesses and schedule and final jury instructions.

Brandon Ward brought into the courtroom.

The Court instructed Mr. Ward that he has not been released from the subpoena and he is required to appear to give testimony tomorrow.

**5:01 pm** Court in recess until **9/12/2024 at 8:00 a.m.**

CONVENED: 7:53 AM	RECESSED: 7:56 AM	TIME: HR / 3 MINS	TOTAL: 6 HOURS /42 MINS
RECONVENED: 8:00 AM	RECESSED: 9:43 AM	1 HR/43MINS	
RECONVENED: 10:02 AM	RECESSED: 10:58 AM	HR /56 MINS	
RECONVENED: 11:14 AM	RECESSED: 12:04 PM	HR/ 50 MINS	
RECONVENED: 1:06 PM	RECESSED: 2:07 PM	1 HR / 1 MIN	
RECONVENED: 2:24 PM	RECESSED: 3:31 PM	HR /53 MINS	
RECONVENED: 3:45 PM	RECESSED: 5:01 PM	1HR/16 MINS	